

confer on President Trump the most basic rights of due process or, seemingly, alter Chairman SCHIFF's unfair process in the House Intelligence Committee in any way whatsoever.

Chairman SCHIFF can continue doing this behind closed doors without the President's participation, so long as he holds at least one public hearing at some point. He is not even required to make all the evidence he obtains public. He alone gets to decide what evidence goes in his report. And the resolution doesn't even give the President any rights in the public hearing that it requires Chairman SCHIFF to hold.

The resolution merely seems to contemplate that maybe—maybe—some day in the future, at some other phase of this, due process might—might—finally kick in, but only if the House Judiciary Committee feels like holding hearings and calling its own witnesses—in other words, no due process now, maybe some later, but only if we feel like it.

“No due process now, maybe some later, but only if we feel like it” is not even close to fair. “No due process now, maybe some later, but only if we feel like it” is not a standard that should ever be applied to any American, and it should not be applied here to the President of the United States.

I understand that many House Democrats made up their minds on impeachment years ago, but our basic norms of justice do not evaporate just because Washington Democrats have already made up their minds.

#### HEALTHCARE

Mr. MCCONNELL. Mr. President, on one final matter, our Democratic colleagues do apparently have time to push for show votes on messaging resolutions with no chance of becoming law. This week's installment is a Democratic effort to limit the flexibility that Governors of both parties have utilized to lighten the burdens of ObamaCare. States have jumped at the opportunity to use waivers to reduce the costs associated with ObamaCare's mandate. In the States that have taken advantage, premiums decreased significantly.

In 2018, the Trump administration expanded this policy with an even more flexible interpretation of this part of ObamaCare. The goal was to give States even more of what they had been asking for, even more latitude to preserve consumer choice and lower premiums. But notwithstanding all the evidence that says this is the right direction for the American people, our Democratic colleagues want to roll back the Trump administration guidance and limit States' flexibility.

Since this position is virtually impossible to explain on its merits, our Democratic colleagues have instead turned to a familiar talking point: the false claim that Republicans are trying to undercut protections for Americans with preexisting conditions. Sound familiar? But, of course, that is not true.

As Senate Republicans have said over and over and over again, we support protections for Americans with preexisting conditions. And the administration has made it very clear that this waiver program poses no threat—no threat—to those protections. The Administrator of the Centers for Medicare & Medicaid Services has stated that “a section 1332 waiver cannot”—cannot—“undermine coverage with people with pre-existing conditions.”

What is more, as the White House has already made clear, Democrats' resolution has zero chance of becoming law. This is just another political messaging exercise with no path to making an impact.

I urge my colleagues to reject this resolution, keep fighting to lower premiums for the American people, and protect those with preexisting conditions.

#### MEASURE PLACED ON THE CALENDAR—H.R. 4334

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 4334) to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2020 through 2024, and for other purposes.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE SECRETARY OF THE TREASURY AND THE SECRETARY OF HEALTH AND HUMAN SERVICES RELATING TO “STATE RELIEF AND EMPOWERMENT WAIVERS”—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 52, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 52) providing for congressional disapproval under chapter 8

of title 5, United States Code, of the rule submitted by the Secretary of the Treasury and the Secretary of Health and Human Services relating to “State Relief and Empowerment Waivers”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### APPROPRIATIONS

Mr. SCHUMER. Mr. President, even as we consider the package of appropriations on the floor this week, we must also think about how both parties can reach an agreement on all 12 bills we need to pass before Thanksgiving. It is way past time for Democratic and Republican appropriators to sit down and hammer out bipartisan agreement on allocations to the various agencies, known as 302(b)s. That is how we got this done in the past. Democrats and Republicans in Congress have successfully negotiated two budget deals. The key to those agreements was that the President allowed Congress to do its work and stayed off to the side. I believe that, again, if left to our own devices, Congress could work out an agreement to fund the government.

As everyone remembers, the President's meddling and erratic behavior caused the last government shutdown—the longest in our Nation's history. The best way to avoid another shutdown would be for the President to keep out of the appropriations process and for Republicans to stop the games and get serious about negotiating in a bipartisan way forward.

I believe there was a meeting yesterday, and there may be some progress. I think some progress was made. Let's continue moving in that direction, the four corners of the Appropriations Committee—House and Senate, Democrats and Republicans—and put together an agreement we can all support.

#### TRUMP ADMINISTRATION

Mr. President, on the whistleblower, as the House of Representatives continues its impeachment inquiry as to whether the President jeopardized national security by pressuring Ukraine to interfere with our 2020 elections, the White House, their allies in Congress, and the media have resorted to despicable tactics to falsely discredit individuals who have provided the House testimony.

Yesterday, LTC Alexander Vindman, an Active-Duty Army officer serving on a detail in the White House, testified before Congress. Since Lieutenant Colonel Vindman's testimony was announced and especially in the past 24